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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199706
Party	Defendant Lorillard Licensing Company, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matters of: Application Serial No. 85/111,881 for the mark SMOKING PLEASURE;

Application Serial No. 85/111,876 for the mark SMOKING PLEASURE WITHOUT  
MENTHOL; and

Application Serial No. 85/095,824 for the mark NON-MENTHOL PLEASURE

<u>R.J. REYNOLDS TOBACCO COMPANY</u>	)	
	)	
Opposer,	)	Opposition No. <u>91199706</u>
	)	
v.	)	
	)	
	)	
LORILLARD LICENSING COMPANY, LLC,	)	
Applicant.	)	
	)	
	)	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Sir:

Applicant Lorillard Licensing Company, LLC, by its attorneys, responds to the allegations set forth in the Notice of Opposition filed by Opposer, R.J. Reynolds Tobacco Company, as follows:

1. On information and belief, Applicant admits that Opposer is and has been marketing cigarettes in the United States, but otherwise lacks knowledge for information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition, and therefore denies same.

2. Applicant admits the allegations set forth in paragraph 2 of the Notice of Opposition.

3. Applicant admits that the business of manufacturing, selling and distributing cigarettes in the United States is competitive. Applicant lacks knowledge or information sufficient to form a belief as to the truth of remaining allegations set forth in paragraph 3 of the Notice of Opposition, and therefore denies same.

4. Applicant admits to use by Applicant and its affiliates of the terms “Pleasure,” “smoking,” “menthol,” and “non-menthol” and composite phrases incorporating those words in marketing, and promotion of tobacco products in advertising and/or as a part of composite trademarks.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of allegations set forth in paragraph 5 of the Notice of Opposition, and therefore denies same.

**Re: Opposition to Application Serial No. 85/111,881 for the mark SMOKING PLEASURE:**

6. Applicant admits the allegations set forth in paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations set forth in paragraph 9 of the Notice of Opposition.

10. Applicant admits that Applicant will gain statutory benefits by registering its “SMOKING PLEASURE” trademark, denies that Opposer has equal right to use the term “smoking pleasure” in commerce, and denies that registration of the mark will be in derogation of any right of Opposer or anyone else to use the term “smoking pleasure” in a non-trademark manner. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in paragraph 10 of the Notice of Opposition relating to Opposer’s belief. Applicant denies the remaining allegations set forth in paragraph 10 of the Notice of Opposition.

**Re: Opposition to Application Serial No. 85/111,876 for the mark SMOKING PLEASURE WITHOUT MENTHOL:**

11. Applicant admits the allegations set forth in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations set forth in paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations set forth in paragraph 14 of the Notice of Opposition.

15. Applicant admits that Applicant will gain statutory benefits by registering its “SMOKING PLEASURE WITHOUT MENTHOL” trademark, denies that Opposer has equal right to use the term “smoking pleasure” in commerce, and denies that registration of the mark will be in derogation of any right of Opposer or anyone else to use the term “smoking pleasure”

in a non-trademark manner. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in paragraph 15 of the Notice of Opposition relating to Opposer's belief. Applicant denies the remaining allegations set forth in paragraph 10 of the Notice of Opposition.

**Re: Opposition to Application Serial No. 85/095,824 for the mark NON-MENTHOL PLEASURE:**

16. Applicant admits the allegations set forth in paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations set forth in paragraph 17 of the Notice of Opposition.

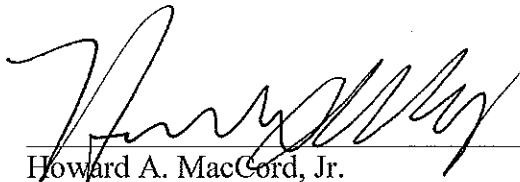
18. Applicant denies the allegations set forth in paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations set forth in paragraph 19 of the Notice of Opposition.

20. Applicant admits that Applicant will gain statutory benefits by registering its "SMOKING PLEASURE" trademark, denies that Opposer has equal right to use the term "smoking pleasure" in commerce, and denies that registration of the mark will be in derogation of any right of Opposer or anyone else to use the term "smoking pleasure" in a non-trademark manner. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in paragraph 10 of the Notice of Opposition relating to Opposer's belief. Applicant denies the remaining allegations set forth in paragraph 20 of the Notice of Opposition.

### **Affirmative Defenses**

1. Opposer is estopped to oppose the registrations of this consolidated opposition.
2. Opposer is barred from opposing the registrations of this consolidated opposition by the doctrine of acquiescence.
3. Opposer is barred from opposing the registrations of this consolidated opposition by equitable and legal defenses.
4. Respondent is entitled to register the three marks of this consolidated opposition.



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ATTORNEY FOR APPLICANT,  
LORILLARD LICENSING COMPANY, LLC


Date: June 20, 2011

File No.: 4800-250A

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION was sent by first class mail on June 20, 2011 to Opposer's attorney of record as follows:

William M. Bryner  
Kilpatrick Townsend & Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101

  
Howard A. MacCord, Jr.